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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/048,686	03/26/1998	WAIL M. REFAI	P-4015.108/E	4551

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EXAMINER
RAO, SEEMA SRINIVAS

ART UNIT	PAPER NUMBER
2666	

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

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Commissioner of Patents and Trademarks

Seema S. Rao
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Art Unit: 2666

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 20

Application Number: 09/048,686
Filing Date: March 26, 1998
Appellant(s): REFAI, WAIL M.

Edward H. Green, III
For Appellant

EXAMINER'S ANSWER

1. This is in response to the appeal brief filed August 20, 2002.

2. A statement identifying the real party in interest is contained in the brief.

3. A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

4. The statement of the status of the claims contained in the brief is correct.

5. The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

6. The summary of invention contained in the brief is correct.

7. The appellant's statement of the issues in the brief is correct.

8. Appellant's brief includes a statement that claims 19-20 stand or fall together.

9. The copy of the appealed claims contained in the Appendix to the brief is correct.

4,829,372 McCalley, et al. 5-1989

10. Claim **19** is rejected under 35 U.S.C. 102 (b). This rejection is set forth in prior Office Action, Paper No. 14 and also repeated here.

Regarding claim 19, a broadband receiver anticipated by the Presentation player of a broadcast system (Fig. 3) a first signal processing means for demodulating and decoding a received narrowband index signal to extract addressing information contained in the index signal, anticipated by elements 68 an d70 in Fig. 3. Also refer to column 8, lines 16-17 and lines 30-34. A second signal processor means for demodulating and decoding a received broadband primary data signal, anticipated y the

frequency agile broadband receiver, elements 74 and 78. Also refer to column 9, lines 20-29.

Control means for selectively activating a second signal processing means based on addressing information in index signal, is anticipated by the receiver controller 72 in Fig. 3, also refer to column 9, lines 18-20. The tuning information based on the subscriber information is interpreted as the addressing information.

11. Claim **20** is rejected under 35 U.S.C. 103 (a) as being unpatentable over McCalley.

The reference, McCally teaches all of the limitations of claim 20 except for the input buffer for storing received primary data before demodulating and decoding. Examiner takes an official notice that the concept and the advantages of an input buffer in a receiver are well known in the art of communication receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadband receiver with an input buffer. Motivation is one of many for synchronization purpose, flow control for proper processing of the incoming information or for scheduling purpose.

Response to Argument

Applicants have argued that receiver has two separate paths, a first path for "demodulating and decoding a received narrowband index signal to extract addressing information and a second path for "demodulating and decoding a received broadband

primary data signal". Examiner traverses these arguments regarding two separate paths of the receiver. Two paths anticipated by the control channel (68) and the frequency agile broadband channel (74) respectively. Claim 19 recites that the second broadband path is "selectively activated" based on addressing information in the index signal-which is received and decoded by the first narrowband path. Applicants argue that these features from the claimed language, "selectively activating said second signal processing means based on addressing information in index signal" are not anticipated by the reference, McCulley. Examiner does not agree with this argument. Selectively activating anticipated by the designated frequency tuning by the broadband receiver and addressing information in index signal anticipated by the frequency information necessary for tuning. The claim language is broad enough to be interpreted as a frequency designated signal tuned by the broadband receiver of McCalley et al.

Selectively activating is done in the reference, McCalley. Address extracted from the index signal is anticipated by the control information extracted from the control channel information. The specific frequency selectively activates the broadband receiver to tune to a specific frequency. This anticipates the selective activating.

Referring to the argument regarding the fixed control channel is being permanently tuned to a specific narrowband control channel is not persuasive because the claim language just claims "a first signal processing means for demodulating and decoding a narrowband index signal". No explicit specifics about the channel are claimed. It could be very well a permanently tuned narrowband receiver receiving narrowband communication. The claimed language does not specifically claim any

particular processing of the broadband signal. The broadband receiver is activated based on the index control information so as broadband receiver of the McCalley reference. Therefore, the argument regarding the broadband receiver is not persuasive. The language selectively is anticipated by a particular frequency which broadband receiver tunes in response to the control signal. Therefore the rejection is proper and is maintained.

The argument on page 10, regarding continuous monitoring of the index channel and selective activating based on the address information are not persuasive. Selectively activating is still broad to read on the selective frequency information necessary for tuning a particular frequency. The broadband receiver tunes in response to the controller output. This is a selective activating. The argument selectively activating to any channel not being disclosed in the McCalley reference is not persuasive because the packets are present in a particular broadband frequency channel for which the receiver tunes and extracts. Therefore, the interpretation of selectively activating is proper. The channel tuning is interpreted as activating a particular frequency.

12. For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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October 30, 2002

Conferees
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